**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**

FILED
08 MAR 14 AM 9:23
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

TO: ☐ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE Hayes
FROM: C Puttmann, Deputy Clerk RECEIVED DATE: 3/7/2008
CASE NO.: 08cv127 WQH BLM DOCUMENT FILED BY: Petitioner
CASE TITLE: Hornback v. USA
DOCUMENT ENTITLED: Ex Parte Petition to Deny an Extention of Time

Upon the submission of the attached document(s), the following discrepancies are noted:

| ✓ | *Local Rule* | *Discrepancy* |
|---|---|---|
| ☐ | 5.1 | Missing time and date on motion and/or supporting documentation |
| ☐ | 5.3 | Document illegible or submitted on thermal facsimile paper |
| ☐ | **5.4** | **Document not filed electronically. Notice of Noncompliance already issued.** |
| ☐ | 7.1 or 47.1 | Date noticed for hearing not in compliance with rules/Document(s) are not timely |
| ☐ | 7.1 or 47.1 | Lacking memorandum of points and authorities in support as a separate document |
| ☐ | 7.1 or 47.1 | Briefs or memoranda exceed length restrictions |
| ☐ | 7.1 | Missing table of contents |
| ☐ | 15.1 | Amended pleading not complete in itself |
| ☐ | 30.1 | Depositions not accepted absent a court order |
| ☐ | | Supplemental documents require court order |
| ☐ | | Default Judgment in sum certain includes calculated interest |
| ☑ | | OTHER:Motion ruled on per order of 3/3/2008 |

**Date forwarded:** 3/11/2008

**ORDER OF THE JUDGE / MAGISTRATE JUDGE**

**IT IS HEREBY ORDERED:**

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Judge Hayes

Dated: 3\12\08 By: JK
cc: All Parties

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

REJECTED

ALTON B. HORNBACK
5650 Bloch Street
San Diego, CA 92122
(858) 453-3334

Petitioner, Pro Se

O R I G I N A L

In The UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| ALTON B. HORNBACK, Petitioner, v. The UNITED STATES OF AMERICA, Respondent. | Case No. 08-CV-0127 WQH BLM<br><br>PETITIONER ALTON B. HORNBACK'S EX PARTE PETITION TO DENY AN EXTENSION OF TIME |

Respondent needs no extension of time for two reasons:

First, Respondent is already familiar with all relevant facts. This same PETITION was previously filed on 7 July 2006 as Case No. 06-CV-1387 BEN (AJB), and dismissed without prejudice on 15 May 2007 after Respondent had submitted its MOTION TO DISMISS.

Second, the related cases cited by Respondent which were filed under 35 U.S.C 183, are irrelevant. Contrary to Respondent's APPLICATION FOR ADDITIONAL TIME at 2, instant PETITION FOR WRIT OF MANDAMUS was filed under 35 U.S.C. 131, not 35 U.S.C. 183.

WHEREFORE, an extention of time should not be granted.

Date 3 March 2008 Alton B. Hornback

Alton B. Hornback
Petitioner, Pro Se
(858) 453-3334

RECEIVED